

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Board Case No. 08A-20232-MDX

3 **BRUCE J. BRYAN, M.D.,**

4 **FINDINGS OF FACT,**
5 **CONCLUSIONS OF LAW AND ORDER**

6 Holder of License No. 20232
7 For the Practice of Allopathic Medicine
8 In the State of Arizona.

(License Suspension, Reprimand,
Probation)

Respondent

9 On October 8, 2008, this matter came before the Arizona Medical Board ("Board")
10 for oral argument and consideration of the Administrative Law Judge (ALJ) Thomas
11 Shedden's proposed Findings of Fact and Conclusions of Law and Recommended Order.
12 Bruce J. Bryan M.D., ("Respondent") appeared before the Board, Assistant Attorney
13 General Dean E. Brekke represented the State. Chris Munns, Assistant Attorney
14 General with the Solicitor General's Section of the attorney General's Office, was present
and available to provide independent legal advice to the Board.

15 The Board, having considered the ALJ's decision and the entire record in this
16 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

17 **FINDINGS OF FACT**

18 1. The Arizona Medical Board ("the Board") is the duly constituted authority for the
19 regulation and control of the practice of allopathic medicine in the State of Arizona.

20 2. Respondent, Bruce J. Bryan, M.D. is the holder of License No. 20232 issued by
21 the Board for the practice of allopathic medicine in Arizona. Dr. Bryan is a board certified
22 surgeon.

23 3. Dr. Bryan pleaded guilty to, and was convicted of, Making a Hoax Threat (18
24 U.S.C. 1038(a)(1)(A)) and Sending Threatening Communication through the Mail (18
25 U.S.C. 876(C)).

4. On November 27, 2006, Dr. Bryan reported to the Board that he had been convicted of a felony. Consequently, the Board opened case number MD-06-1006A.

5. On May 16, 2008, the Board issued a Complaint and Notice of Hearing setting this matter for hearing at 9:00 a.m. July 23, 2008.

6. The Board alleges that Dr. Bryan violated A.R.S. § § 32-1401(27)(a) and (27)(d) and requests that his license be revoked. There is no dispute that Dr. Bryan violated these provisions and Dr. Bryan accepts that discipline is appropriate, but he requests the Board to impose a lesser penalty.

7. Dr. Bryan was not aware that he was required to report to the Board that he had been charged with a felony within 10 days of those charges.

8. The Board presented only one witness, Senior Medical Investigator Mr. Ron Skon. Mr. Skon's testimony was of limited independent weight because it involves facts that are not in dispute and did not include any evaluation of the appropriate penalty.

9. Five exhibits were entered into evidence (Exhibits 1 – 4 and 1A).

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and the subject matter in this case.

2. The Board has the burden of persuasion. A.R.S. § 41-1092.07(G)(2).

3. The burden of proof on all issues is that of the preponderance of the evidence.

AAC R2-19-119(A).

4. A preponderance of the evidence is “[e]vidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.” *Black’s Law Dictionary* 1182 (6th ed. 1990).

5. The Board alleges that Dr. Bryan violated A.R.S. §§ 32-1401(27)(a) and (27)(d) and request that his license be revoked. There is no dispute that Dr. Bryan violated these provisions, which violations constitute unprofessional conduct, and the appropriate measure of discipline is the only issue in dispute. Based on his unprofessional conduct, Dr. Bryan is subject to censure, probation, suspension of his license, revocation of his license, or any combination of these. See A.R.S. § 32-1451(M).

ORDER

Based on the foregoing, the Board orders that License No. 20232 for the practice of allopathic medicine previously issued to Bruce J. Bryan, M.D. be indefinitely suspended until he completes a PACE evaluation to assess his competency to safely practice medicine and complete a psychiatric and psychometric evaluation for anger management issues by a Board-approved evaluator and brings the evaluation results and recommendations to the Board to be reinstated. These evaluations shall be at licensee's expense.

Further, Respondent is issued a Letter of Reprimand and he will be placed on probation for a period of two years to follow any recommendations coming from the evaluations. The Probation shall start upon reinstatement of the license. Upon demonstrated compliance with recommendations from the evaluations, the Executive Director may terminate the probation.

The Board determined that, due to the time Respondent has not actively practiced medicine and due to the Board's concerns about anger management issues, this order should take effect immediately to protect the public health and safety. (AAC R4-16-103(B)).

Pursuant to A.R.S. § 32-1451(M) and 41-1007, Respondent shall reimburse the Board's administrative costs.

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2 **RIGHT TO APPEAL**

3 Respondent is hereby notified that he has the right to file for judicial review of this
4 administrative decision in Arizona Superior Court pursuant to A.R.S. § 12-901 et seq. A
5 complaint for judicial review must be filed thirty-five (35) days after this decision is mailed to
6 Respondent.

7 DATED this 9th day of October, 2008.



THE ARIZONA MEDICAL BOARD

By 
LISA WYNN
Executive Director

13
14 ORIGINAL of the foregoing filed this
15 9th day of October, 2008 with:

16 Arizona Medical Board
17 9545 East Doubletree Ranch Road
18 Scottsdale, Arizona 85258

19 Executed copy of the foregoing
20 mailed by U.S. Mail this
21 9th day of October, 2008, to:

22 Bruce J. Bryan, M.D.
23 Address of Record

24 

25 #305600